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Chief Clerk of the House

By: 

FILED FFB 13 2003

H.B. No. 947

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of boilers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 755.011(b), Health and Safety Code, is
amended to read as follows:

(b) The board is composed of the following nine members
appointed by the commissioner:

(1) three members representing persons who own or use
boilers in this state;

(2) three members representing companies that insure
boilers in this state;

(3) one member representing boiler manufacturers or
installers;

(4) one member representing organizations that repair
or alter boilers ~~[who is a mechanical engineer and a member of the
faculty of a recognized college of engineering]~~ in this state; and

(5) one member representing a labor union.

SECTION 2. Sections 755.026(a) and (c), Health and Safety
Code, are amended to read as follows:

(a) With the approval of the commissioner and the inspection
agency that has jurisdiction for the power boiler, the interval
between internal inspections may be extended to a period not
exceeding a total of 60 ~~[48]~~ months. For ~~[other]~~ unfired steam
boilers or steam collection or liberation drums of process steam

1 generators, the inspection interval may be extended to the next
2 scheduled downtime of the boiler, but not exceeding a total of:

3 (1) 84 months for unfired steam boilers; or

4 (2) 120 months for steam collection or liberation
5 drums of process steam generators.

6 (c) In addition to an extension authorized under Subsection
7 (a), the [The] commissioner and the inspection agency may grant an
8 emergency [additional] extension for a period not exceeding 120
9 days to the inspection interval covered by the boiler's certificate
10 of operation on receipt of a request for extension stating that an
11 emergency exists. Before the extension may be granted, the
12 inspection agency must make an external inspection of the boiler,
13 and the conditions imposed under Subsection (b) must be met. The
14 commissioner and the inspection agency may not grant more than one
15 emergency extension under this subsection in an interval between
16 internal inspections.

17 SECTION 3. This Act takes effect September 1, 2003.

HOUSE COMMITTEE REPORT

03 MAR 11 PM 8:46

1st Printing

By: Flores

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(3) one member representing boiler manufacturers or installers;

(4) one member representing organizations that repair or alter boilers ~~[who is a mechanical engineer and a member of the faculty of a recognized college of engineering]~~ in this state; and

(5) one member representing a labor union.

SECTION 2. Sections 755.026(a) and (c), Health and Safety Code, are amended to read as follows:

(a) With the approval of the commissioner and the inspection agency that has jurisdiction for the power boiler, the interval between internal inspections may be extended to a period not exceeding a total of 60 ~~[48]~~ months. For ~~[other]~~ unfired steam boilers or steam collection or liberation drums of process steam

generators, the inspection interval may be extended to the next scheduled downtime of the boiler, but not exceeding a total of:

(1) 84 months for unfired steam boilers; or

(2) 120 months for steam collection or liberation drums of process steam generators.

(c) In addition to an extension authorized under Subsection (a), the [The] commissioner and the inspection agency may grant an emergency [additional] extension for a period not exceeding 120 days to the inspection interval covered by the boiler's certificate of operation on receipt of a request for extension stating that an emergency exists. Before the extension may be granted, the inspection agency must make an external inspection of the boiler, and the conditions imposed under Subsection (b) must be met. The commissioner and the inspection agency may not grant more than one emergency extension under this subsection in an interval between internal inspections.

SECTION 3. This Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

March 6, 2003
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES

to whom was referred HB 947 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

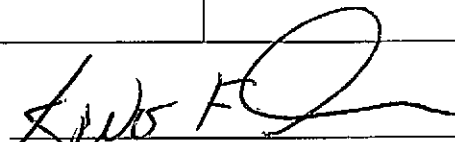
Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Flores, Chair				X
Hamilton, Vice-chair	X			
Driver	X			
Eissler	X			
Goolsby	X			
Homer	X			
Jones, D.	X			
Raymond				X
Wise	X			

Total
7 aye
0 nay
0 present, not voting
2 absent


CHAIR

BILL ANALYSIS

H.B. 947
By: Flores
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Present Texas Boiler Law (Chapter 755 of the Health and Safety Code) requires that power boilers, unfired steam boilers and steam collection and liberation drums of process steam generators must receive interval certificate inspections. The Texas Department of Licensing and Regulation (TDL&R) has jurisdiction over the Board of Boiler Rules. The board advises the commissioner of TDL&R in the adoption of definitions and rules relating to the safe construction, installation, inspection, operating limits, alteration, and repair of boilers and their appurtenances.

The Board is currently composed of nine members appointed by the Commissioner of TDL&R. It has three members representing persons who own or use boilers in this state; three members representing companies that insure boilers in this state; one member representing boiler manufacturers or installers; one member who is a mechanical engineer and a member of the faculty of a recognized college of engineering in this state; and one member representing a labor union. HB 947 would change the current make-up of the Boiler Board by replacing the faculty position with a representative from the boiler repair industry.

Presently, Chapter 755 of the Health and Safety Code requires that power boilers, unfired steam boilers and steam collection and liberation drums of process steam generators must receive an annual certificate inspection and an annual external inspection. Internal inspections are done at certain intervals. The current intervals are: Power Boilers - 48 months, Unfired Boilers - 84 months, and Process Steam Generators - 84 months. A complete shutdown of the unit is generally required for the internal inspections. House Bill 947 would change the interval inspection timeline for the boilers and generators.

HB 947 would also allow for the Commissioner and inspection agency to allow for only one 120-day emergency extension between internal inspections. Currently, there is no limit to the number of emergency extensions.

The intent of HB 947 is to allow for better resource utilization by the TDL&R in managing boiler operations, as well as, having a positive impact on the environment. This is significant considering shutdowns and startups required for internal inspections can create a potential for an emission event.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 755.011 (b) of the Health and Safety Code. Changes the current make-up of the Boiler Board by replacing the faculty position with a representative from the boiler repair industry.

SECTION 2. Amends Section 755.026 (a) and (c) of the Health and Safety Code.

(a) Internal Inspection. Allows for the extension of the interval between internal inspections for certain boilers used in industrial facilities as follows for: Power Boilers - allows up to 60 months; Unfired Boilers - remains the same; and, Process Steam Generators - 120 months.

(c) Emergency Extension. Language is amended to limit the Commissioner and inspection agency to allow for only one 120-day emergency extension between internal inspections. An extension may only be granted by the Commissioner of Licensing and Regulation and the inspection agency, if several statutory conditions are met indicating that the jurisdictional equipment is operating safely.

EFFECTIVE DATE

September 1, 2003

SUMMARY OF COMMITTEE ACTION

HB 947

March 6, 2003 8:00AM

Considered in public hearing

Testimony taken in committee (See attached witness list.)

Reported favorably without amendment(s)

✓
3

WITNESS LIST

HB 947

HOUSE COMMITTEE REPORT

Licensing & Administrative Procedures Committee

March 6, 2003 - 8:00AM

For: Roberts, Steven C. (Lyondell Chemical Company)

Registering, but not testifying:

For: Baum, Walt (Association of Electric Companies of Texas)

Miksa, Mary (Texas Association of Business)

Thain, Donald (Shell)

Against: Breaux, John M. (Paper, Allied-Industrial, Chemical &
Energy Workers (PACE))

On: Kuntz, Jr., William (Texas Department of Licensing &
Regulation)

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

February 28, 2003

TO: Honorable Kino Flores, Chair, House Committee on Licensing & Administrative Procedures

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB947 by Flores (Relating to the regulation of boilers.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The Texas Department of Licensing and Regulation indicates that implementing the provisions of the bill could be accomplished within the agency's current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department Of Licensing And Regulation

LBB Staff: JK, JO, JRO, RT, RB

A BILL TO BE ENTITLED
AN ACT

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FEB 13 2003

Filed with the Chief Clerk

FEB 19 2003

Read first time and referred to Committee on Licensing & Administrative Procedures

MAR - 6 2003

Reported favorably [REDACTED]

MAR 12 2003

Sent to Committee on (Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of _____ yeas, _____ nays, _____ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

APR 23 2003

HB 947 LAID ON TABLE
SUBJECT TO CALL

Received from the House

Read and referred to Committee on _____

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ years, _____ days)

Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

Read third time, _____, and passed by (a viva voce vote)
(_____ yeas, _____ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,
_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;
_____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)